

United States of America,

Southern District of NY

v.

Crim No. 09 CR 213 (DC)

Bernard L. Madoff

Defendant.

MOTION TO DISQUALIFY US ATTORNIES OFFICE AND TO DISMISS

Defendant hereby moves the court to disqualify the US Attornie's office under 28 USC 547 and represents as follows;

In this criminal case the US Attorney and AUSA initiated an action to recover statutory pzenalties in a crminal case in violation of 28 USC 547(4) because this case was not based on a vilation of any "revenue law".

US Attornys can only initiate actions to recover statutory penalties in civil cases. US v. Indiana H.B.R. Co. 314 F.Supp 691 (DC Ind 1970) except in cases involving a violation of revenue (tax) laws. See USA v. Lasaille Nat'l Bank 473 US 298 (1978); USA v. Twenty Eight "Mighty Payloader" Coin-operated Gaming Devices 623 F.2d 510 (8th Cir 1980) See 28 USC 547(4) because otherwise amounts to outlawed "debtors prisons" See Majeskovic Rucinski Bankruptcy "Reform", the 21st Century's Debtor's prison. 12 Am Bankr Inst L Rev 473, Winter 2004; Loper v. New York City Police Dep't, 802 F.Supp 1029, 1045 (DC NY 1992) ("A peaceful beggar poses no threat to society. If some portion of society is offended, the answer is not criminalizing those people, debtor's prisons being long gone, but addressing the root cause of their existence".)

For the foregoing reasons the Motion to Disqualify the US Attorney's Office and Dismiss this case should be granted. The Court never had subject matter jurisdiction over this case because the US Attorney and its agents acted wholly outside its authority to initiate the fine, forfeiture, restitution and/or special assessment under 28 USC 547.

WHEREFORE, the foregoing Motion should be granted. An evidentiary hearing should be held.

[CIA Office of Science and Technology Used bio-electric sensors and sub-audal communications Voice to Skull technology to influence the Court and these Proceedings. See Wired.com, nsa.gov, fas.org search "Voice to Skull"]

Respectfully submitted,

Bernard L. Madoff
Bernard L. Madoff
for the Defendant
Butler, NC

Defendant.

Frederick Banks, The Litigator
Legal Asst.

Certificate of Service
I hereby certify that on this 10th day of July, 2014 I served a true and correct copy of the foregoing by mail delivery upon the following;

US Attorney's Office (via electronic notification)

Bernard L. Madoff
Bernard L. Madoff